District Attorney

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AB 1793 - Historical Cannabis Convictions

Office of the District Attorney - Maggie Fleming, District Attorney

NEWS RELEASE

July 1, 2020

In keeping with the letter and spirit of a 2018 California State Assembly Bill (AB 1793) which charged prosecutors with addressing past cannabis-related convictions to align them with current laws, the Humboldt County District Attorney has identified 801 convictions dating back to 1982 and agreed to their re-designation from felonies to misdemeanors.

AB 1793 addressed cannabis-related violations of the Health and Safety Code sections covering possession (section 11357), cultivation (section 11358), possession for sale (section 11359) and transportation (section 11360). AB 1793 required that the California Department of Justice provide prosecutors' offices throughout the state with lists of their relevant cases. When the list provided to Humboldt County included only 35 cases, District Attorney Maggie Fleming directed her staff to conduct their own search. Historically in Humboldt County, some people charged with Health and Safety Code sections 11357-11360 requested and were granted the opportunity to plead guilty to Health and Safety Code 11366.5 (managing a location for unlawful use or storage of a controlled substance), because that conviction could be reduced to a misdemeanor upon successful completion of probation. Therefore, the District Attorney's Office also included violations of that code section in its search.

Humboldt County's search, which dated back as far as possible given available computer records, yielded about 3500 violations across more than 800 separate cases. While some violations of Health and Safety Code 11366.5 were not eligible for re-designation because they involved methamphetamine or heroin, all violations of 11366.5 involving cannabis and all convictions for violations listed in AB 1793 were reduced from felonies to misdemeanors.

People seeking information on whether their criminal records were affected by Humboldt County's response to AB 1793 should contact their legal counsel or Humboldt County Public Defender's Office at (707) 445-7634. Any remaining convictions eligible for reduction under AB 1793 identified will receive prompt attention from the District Attorney's Office.

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